

**COMPLAINTS AGAINST THE FSA SCHEME (AMENDMENT NO 2)  
INSTRUMENT 2005**

**Powers exercised**

- A. The Financial Services Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000:
- (1) paragraph 7 of Schedule 1; and
  - (2) section 157(1) (Guidance).

**Commencement**

- B. This instrument comes into force on 1 November 2005.

**Amendments to the Complaints against the FSA Sourcebook**

- C. The Complaints against the FSA Sourcebook is amended in accordance with the Annex to this instrument.

**Citation**

- D. This instrument may be cited as the Complaints against the FSA Scheme (Amendment No 2) Instrument 2005.

By order of the Board  
19 October 2005

## Annex

### Amendments to the Complaints against the FSA Sourcebook

In this Annex, underlining indicates new text.

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- 1.3.4      G    (1)    In circumstances where the *Complaints Commissioner* is unable to investigate a *complaint*, the *FSA* will, subject to the approval of the Treasury, appoint an individual to carry out the functions conferred on the *Complaints Commissioner* by the *complaints scheme*. For example, the *Complaints Commissioner* may be incapacitated by a sudden, but temporary illness or his investigation of a *complaint* may give rise to a conflict of interests.
- (2)    In appointing the individual, the *FSA* will ask the President of the Law Society to nominate a solicitor.
- (3)    The *complaints scheme* will apply in full to an investigator appointed under *COAF 1.3.4G(1)* and the *Complaints Commissioner* will have no interest in investigating that *complaint*.

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